

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Apr 29, 2021**

SEAN F. MCAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Charles Leo Costner

Case Number: 0980 2:20CR00157-TOR-1

Address of Offender: [REDACTED]

Name of Sentencing Judicial Officer: The Honorable B. Lynn Winmill, U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: January 25, 2008

Original Offense: Unlawful Possession of a Firearm, 18 U.S.C. § 922(g)1

Original Sentence: Prison - 120 months      Type of Supervision: Supervised Release  
TSR - 36 monthsRevocation Sentence: Prison- 8 months  
(August 12, 2019)      TSR- 28 months

Asst. U.S. Attorney: U.S. Attorney's Office      Date Supervision Commenced: January 8, 2020

Defense Attorney: Federal Defender's Office      Date Supervision Expires: May 7, 2022

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**PETITIONING THE COURT**

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To issue a summons.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number      Nature of Noncompliance

- 1      **Special Condition #4:** The defendant shall participate in a program of testing and treatment for drug and alcohol abuse, as directed by the probation officer. The cost is to be paid by both the defendant and the government based upon the defendant's ability to pay.

**Supporting Evidence:** Mr. Costner allegedly violated special condition number 4 by failing to supply a urine sample for testing on April 9, 2021.

On January 9, 2020, Mr. Costner was given a copy of his judgment and his conditions of supervision were explained to him. He indicated he fully understood his conditions and the expectations of supervision.

On April 13, 2021, the undersigned officer became aware that Mr. Costner had failed to provide a urine sample on April 9, 2021. The undersigned officer called Mr. Costner and he disclosed he had reported to Pioneer Human Services (PHS) later than he should have and was unable to supply a urine sample before they closed their facility.

- 2      **Mandatory Condition #3:** You shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on

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supervision and to a maximum of 5 periodic drug tests a month thereafter for the term of supervision as directed by the probation officer. The cost to be paid by both the defendant and the government based upon the defendant's ability to pay.

**Supporting Evidence:** Mr. Costner allegedly violated mandatory condition number 3 by supplying a urine sample that tested positive for methamphetamine on April 13, 2021.

On January 9, 2020, Mr. Costner was given a copy of his judgment and his conditions of supervision were explained to him. He indicated he fully understood his conditions and the expectations of supervision.

Mr. Costner originally denied new methamphetamine use, and his urine sample was sent to Alere Toxicology Laboratories (Alere) for further analysis. On April 27, 2021, the test results returned as positive for methamphetamine.

On April 27, 2021, the undersigned confronted Mr. Costner with the laboratory results and he continued to deny using methamphetamine around the date of April 13, 2021. He was given 24 hours to consider his response in light of these laboratory results.

On April 28, 2021, Mr. Costner disclosed he did in fact use methamphetamine on or about April 13, 2021.

3 **Mandatory Condition #3:** You shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on supervision and to a maximum of 5 periodic drug tests a month thereafter for the term of supervision as directed by the probation officer. The cost to be paid by both the defendant and the government based upon the defendant's ability to pay.

**Supporting Evidence:** Mr. Costner allegedly violated mandatory condition number 3 by supplying a urine sample that tested positive for methamphetamine on April 19, 2021.

On January 9, 2020, Mr. Costner was given a copy of his judgment and his conditions of supervision were explained to him. He indicated he fully understood his conditions and the expectations of supervision.

On April 21, 2021, Mr. Costner reported to PHS and supplied a urine sample that tested positive for methamphetamine. He signed a drug use admission form stating he used methamphetamine on April 19, 2021.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 04/28/2021

s/Joshua D. Schull

Joshua D. Schull

U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



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Thomas O. Rice  
United States District Judge

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April 29, 2021

Date